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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,950	03/04/2002	Joseph O. Norris	T9468.NP	7889

20551 7590 03/21/2007
THORPE NORTH & WESTERN, LLP.
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EXAMINER

MEI, XU

ART UNIT	PAPER NUMBER
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2615

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/091,950	NORRIS ET AL	
	Examiner	Art Unit	
	Xu Mei	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-8,10-14,16-27,29-32 and 38-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4,6-8,10-14,16-27,29-32,39-42 and 49-51 is/are allowed.
- 6) ☒ Claim(s) 38 and 43-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 12/14/2006.
2. The indicated allowability of claims 38 and 43-48 is withdrawn in view of the newly discovered reference(s) to Oohashi et al, U.S. Patent No. 5,276,669 and Nagashima et al, U.S. Patent No. 6,205,104. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Oohashi.

Regarding claims 38, Oohashi discloses a device (see Figs. 1-2) for storing audio signals (it is noted that the recitation of 'parametric signals and parametric loudspeaker system' have not been given patentable weight because the recitation occurs in the preamble) comprising: an electronically readable storage medium (disc) having an audible bandwidth storage capacity; and a pre-distorted audio signal (the audio signals being stored in the disc), having distortion error correction applied thereto

(error bits for distortion correction as shown in Fig .1, for example), stored on the electronically readable storage medium.

5. Claims 43-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagashima.

Regarding claim 43, Nagashima discloses a device (see Figs. 1-3) for storing audio signals (it is noted that the recitation of 'parametric signals and parametric loudspeaker system' have not been given patentable weight because the recitation occurs in the preamble) comprising: an electronically readable storage medium (disc) having an audible bandwidth storage capacity; and a pre-distorted audio signal (the audio signals being stored in the disc), having distortion error correction (col. 3, lines 37-41), ultrasonic modulation and signal compression (see col. 1, Table 1 and col. 5, lines 50-55, for example) applied thereto, stored on the electronically readable storage medium.

For what's call for in claim 44, see col. 7, lines 55-65.

Regarding claim 45, the device discloses by Nagashima is used for stereo (2 channels) audio signal storing.

Regarding claim 46, twice of the sample frequency of 44.1 kHz per channel would have equals to 88.2 kHz for sampling of two channels audio signals for CD recording as shown by Nagashima.

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Regarding claims 47 and 48, the signal compression scheme disclosed by Nagashima can be view as a lossy compression format or a lossless compression format.

Allowable Subject Matter

6. Claims 1-4, 6-8, 10-14, 16-27, 29-32, 39-42, 49-51 are allowed.

Response to Arguments

7. Applicant's arguments with respect to claims 1-16, 28 33-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 571-272-7523. The examiner can normally be reached on maxi flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Xu Mei
Primary Examiner
Art Unit 2615
03/13/2007